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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,917	07/25/2007	David Moorhouse	P01487-US-00 (13030.0013)	6580
22446	7590	05/12/2010	EXAMINER	
ICE MILLER LLP ONE AMERICAN SQUARE, SUITE 3100 INDIANAPOLIS, IN 46282-0200			EDELL, JOSEPH F	
			ART UNIT	PAPER NUMBER
			3636	
			MAIL DATE	DELIVERY MODE
			05/12/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/599,917	Applicant(s) MOORHOUSE ET AL.	
	Examiner JOSEPH F. EDELL	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-48 and 52-59 is/are pending in the application.
- 4a) Of the above claim(s) 10, 11, 19-48 and 54-58 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 9, 12-18, 52, 53 and 59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 October 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the air spring positioned on a, or between two, suitable mountings must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8, 9, 12-18, 52, 53, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,595,596 B2 to Brightbill et al.

Brightbill et al. discloses a suspension system for a vehicle seat having a top portion (see Diagram A below), a first part with a base portion and means to receive top portion and to allow movement of the base portion and top portion towards and away from each other, a second part with an air spring adapted in use to control movement of the base portion and top portion toward and away from each other, at least one pair of pivotally connecting arms securing to each other the top and base portions, a first arm in each pair with one end pivotally secured to the base portion and a second arm in each pair releasably pivotally secured to the top portion, one or more bars 259,281,301 designed to extend from the base portion and receive the top portion and pivotally secured directly between the top and base portions wherein the top portion and second portion are releasably connected to the first part, the top and base portions are each respectively provided with upper and lower surfaces, the free end of each second arm is provided with means to allow it to move relative to an upper surface of the base portion, the free end of each first arm is provided with means to allow it to move relative to a lower surface of the top portion, the air spring is positioned between the base portion

Art Unit: 3636

and one of the first and second arms to control movement of the arms relative to the base portion, the air spring is positioned on or between two suitable mountings positioned between the first or second arms, the top portion is generally rectangular with short and long sides, the top portion is provided with one portion adapted to be releasably secured to each second arm of the first part, and the means to receive the free end of the first arm includes channels. See column 17, lines 24-40 of Brightbill et al. for the teaching that the spring elements may be two or more interchangeable parts.

Brightbill et al. disclose all the claimed structural features of the instant invention. Brightbill et al. lack only the specifically recited method steps, as recited in claims 1-6, 8, 9, 12-18, 52, 53, and 59. It would have been obvious, if not inherent, to one having ordinary skill in the pertinent art at the time the invention was made to use the suspension system of Brightbill et al. by the claimed method steps. Such a modification provides a conventional and efficient method of manufacture of the suspension system of Brightbill et al.

With respect to claim 59, Brightbill et al. disclose the spring element being an air spring, which meets the limitation of "the spring element comprising either an air spring or one or more mechanical tension springs."

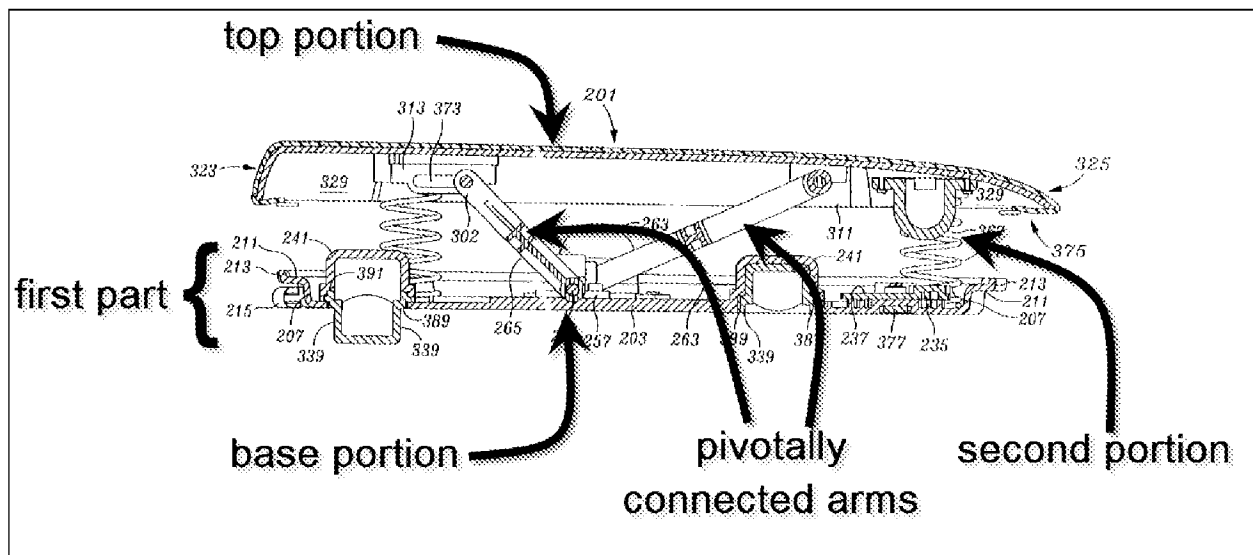


Diagram A - Annotated Figure 27 of Brightbill et al.

Response to Arguments

Applicant's arguments filed 11 February 2010 have been fully considered but they are not persuasive. With respect to the objection to the drawings, Applicant asserts that Figure 3 shows the air spring 14 positioned between two suitable mountings positioned between the first arms or the second arms of the pair of arms, as recited in claim 9. Examiner disagrees. Figure 3 only shows a single mounting (second mounting portion 15) and fails to show a second mounting. Please note that page 8, lines 12-15 sets forth that the "air spring 14 [is] received by a first mounting portion, not shown, depending from the lower surface of the top portion 9 and sized to receive a portion of an air spring 14." Because Figures 1-3 fail to show ever feature of claim 9, Examiner maintains the objection to the drawings.

Applicant argues that Brightbill et al. do not teach, disclose, or suggest the claim 1 limitation that "a first part having a base portion, means to receive the top portion and

Art Unit: 3636

means to allow movement of the base portion and top portion towards and away from each other” because support 32 remains stationary. Examiner disagrees. Brightbill et al.’s Figure 27 clearly shows the disputed claim limitations, and are pointed out in Diagram A above, where the base portion has a base 203 capable of receiving downward projecting components of the top portion and where the pivotally connected arms and second portion allow for movement of the base and top portions towards and away from each other. Reference numeral 32, which should have been numeral 323, is removed from the Office action to lessen any chance for ambiguity in the rejection of claims 1-9, 12-18, 52, and 53.

Upon consideration of Applicant’s arguments, Examiner maintains the rejection of claims 1-9, 12-18, 52, and 53 and rejects new claim 59.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 3636

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Joseph F Edell/
Primary Examiner, Art Unit 3636
May 12, 2010